IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 22529 of 2006(F)

PETITIONERS:
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1. MISS. SINDHU RANI L.,
KOTTARAKIZHAKKATHIL HOUSE,
KAVANADU POST, KOLLAM.

2. MISS. MANJU OMMEN,
`MANJU' NIVAS, VILAKKUVATTAM POST,
PUNALUR, KOLLAM.

3. SHANI S.,
SHANIYIL HOUSE, NORTH MAINAGAPPALLY, KOLLAM.

BY ADV. SRI.G.JANARDHANA KURUP (SR.)
SRI.JOHN K.GEORGE
SMT.S.SULOCHANA
SRI.K.S.ARUN KUMAR
SRI.E.C.BINEESH

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. COMMISSIONER FOR PERSON FOR
DISABILITIES, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
KOLLAM.

4. THE DISTRICT MEDICAL OFFICER,
KOLLAM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 22529/2006 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTIFICATION REGARDING THE VACANCIES RESERVED FOR PHYSICALLY HANDICAPPED PERSONS FOR THE YEAR 2003.

EXT.P2. COPY OF THE NOTIFICATION REGARDING THE VACANCIES RESERVED FOR PHYSICALLY HANDICAPPED PERSONS FOR THE YEAR 2004.

EXT.P3. COPY OF THE INTIMATION LETTER RECEIVED BY THE P1.

EXT.P4. COPY OF THE INTIMATION LETTER RECEIVED BY THE P2.

EXT.P5. COPY OF THE CERTIFICATE RECEIVED BY THE P1 FROM THE STATE MEDICAL BOARD.

EXT.P6. COPY OF THE CERTIFICATE RECEIVED BY THE P2 FROM THE STATE MEDICAL BOARD.

EXT.P7. COPY OF THE CERTIFICATE RECEIVED BY THE P3 FROM THE -DO-

EXT.P8. COPY OF THE REPRESENTATION SUBMITTED TO THE R3 BY P1.

EXT.P9. COPY OF THE REPRESENTATION SUBMITTED TO THE R3 BY P2.

EXT.P10. COPY OF THE REPRESENTATION SUBMITTED TO THE R3 BY P3.

EXT.P11. COPY OF THE REPRESENTATION SUBMITTED BY THE ASSOCIATION OF THE ALL KERALA PARENTS HEARING IMPAIRED.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 22529 of 2006-F

Dated this the 5th day of July, 2007.

J U D G M E N T

The petitioners are physically handicapped persons. They were candidates, when applications were invited by the third respondent, for appointment of physically handicapped persons to the 3% vacancies reserved for Class III and Class IV posts in Kollam District, in 2005. Though a written test was held on 29-1-2006, the petitioners were not called for the same, for the reason that the District Medical Board found that their disability is below 40%. The aggrieved petitioners moved the State Medical Board. The said Board found that the disability of the petitioners was 75%, 90% and 90% respectively. Exts.P5 to P7 are those certificates. Thereafter, the petitioners moved the District Collector by filing Exts.P8, P9 and P10 representations, claiming appointment. When their representations were not considered, this writ petition was filed.

2. The third has filed a counter affidavit in which it is submitted that pursuant to the written test held on 29-1-2006, altogether 42 persons were appointed. It is also submitted that the District Collector is bound by the disability certified by the District Medical Board. Now, the State Medical Board has certified that their disability is above 40% and they are entitled to be considered under the quota reserved for physically handicapped persons,

in the next selection. It is also submitted that steps are being taken for selection, this year.

3. Having regard to the certificates issued by the State Medical Board, the petitioners are entitled to be treated as physically handicapped persons, and therefore, eligible to be considered in the 3% vacancies reserved for such persons. So, their applications shall be entertained, in future selection, and dealt with in accordance with law, without insisting for any further medical certificate, from the District Medical Board.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS